

REMARKS

The office action of July 7, 2003, has been carefully considered.

It is noted that the proposed drawing correction is objected to for adding new matter.

The drawings are objected to under 37 C.F.R. 1.83(a).

Claims 5, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) over the patent to Riemenschneider in view of the patent to Stoner.

Claims 7 and 10 are rejected under 35 U.S.C. 103(a) over Riemenschneider in view of Stoner, and further in view of the patent to Aberg.

In connection with the Examiner's objection to the drawing correction as introducing new matter and the objection to the drawing for not showing the different material thickness and

PR-24DIV

material composition, applicant respectfully submits that new Fig. 10 submitted with the last amendment does not add new matter to the application. The application as originally filed clearly recites that the flat sheet has plate sections with different thicknesses (see, for example, page 8, line 18 to page 9, line 2 of the specification) for obtaining different strength values. The actual specific arrangement of the thicknesses is not of significance since it would vary depending upon the strength values being sought. One skilled in the art would readily understand upon reading the specification that the invention covers a wide range of thickness configurations and the illustration in Fig. 10 is clearly one of those configurations. Thus, it is respectfully submitted that Fig. 10 adds no new matter to the application.

Relative to the material compositions, applicant respectfully submits that the drawings would not change simply because the plate has a different composition. A difference in composition would not be visible.

In view of these considerations it is respectfully submitted that all of the features recited in the claims are shown in the

PR-24DIV

drawings, no new matter is added and the objections to the drawings are overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to the patent to Riemenschneider, it can be seen that this patent discloses a reinforced skid platform. Riemenschneider does not disclose, and the Examiner agrees, areas of different thicknesses or compositions.

The patent to Stoner discloses a pallet. The Examiner combined Stoner with Riemenschneider in determining that claims 5, 6, 8 and 9 would be unpatentable over such a combination. Stoner is cited by the Examiner as teaching using different thicknesses at different locations. Applicant respectfully submits that Stoner at no point discusses plate thickness. There is nothing in the written disclosure of Stoner which supports the Examiner's position that there are different thicknesses at and around 22 in Fig. 4 of Stoner. The drawing itself makes no such teaching and

PR-24DIV

neither does the specification. Therefore, the combination argued by the Examiner does not teach anything about different thicknesses, as in the claimed invention. Once again, neither of the references provides any motivation for providing areas of different thickness. Furthermore, the references do not teach providing areas of different thickness to obtain different strength values adapted to different load zones of the base plate, as in the claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 5, 6, 8 and 9 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

The patent to Aberg has also been considered. This reference has been discussed in detail in previous amendments and that discussion is incorporated herein by reference. Aberg adds nothing to the teachings of Riemenschneider and Stoner so as to lead to the present invention as discussed above.

Thus, it is respectfully submitted that the rejection of claims 7 and 10 under 35 U.S.C. 103(a) is overcome and should be

PR-24DIV

withdrawn.

New claim 11 is drawn to a pallet and contains essentially the same subject matter as claim 5 and thus is allowable over the cited prior art for the same reasons.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By *F. Kueffner*
Friedrich Kueffner
Reg. No. 29,482
317 Madison Avenue, Suite 910
New York, New York 10017
(212) 986-3114

Dated: October 7, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on October 7, 2003.

By: *F. Kueffner*
Friedrich Kueffner

Date: October 7, 2003